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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SHASTA STRATEGIC INVESTMENT	)	Case No. C-04-4264-RS
FUND, LLC; AND PRESIDIO GROWTH	)	Related to Case Nos. C-04-4309-RS, C-04-4398-
LLC (Tax Matters Partner),	)	RS, C-04-4964-RS, C-05-1123-JW, C-05-1996-
	)	RS, C-05-2835-RS, and C-05-3887-RS
Petitioners,	)	
	)	<b>STIPULATION TO MODIFY SCHEDULE</b>
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	
And Related Cases	)	

Pursuant to Civil Local Rule 6-2, Respondent requests that the date for filing pretrial motions be extended by approximately 60 days and that trial be moved to October 7, 2013. The other parties do not object to this request. In support of this request Respondent submits the following:

2. In the next few weeks, the Tax Division will be assigning a new lead counsel to these cases who will need time to become familiar with the facts, law and procedural history of these cases.

8           3.       Under the Court's October 15, 2012 Case Management Scheduling Order, all pretrial  
9 motions must be heard by February 21, 2013, which requires that they be filed and served by  
10 January 17, 2013. The final pretrial conference is set for April 4, 2013, and the trial date is set for  
11 April 15, 2013.  
12

4. This Court previously granted stipulated requests to extend time to file answers in some of these related cases. *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-4264 (N.D. Cal.), Dkt. Nos. 13, 18; *Belford Strategic Investment Fund, LLC v. United States*, Case No. 04-4309 (N.D. Cal.), Dkt. Nos. 8, 11; *Princeton Strategic Investment Fund, LLC v. United States*, Case No. 04-4310 (N.D. Cal.), Dkt. Nos. 11, 15; *Sanford Strategic Investment Fund, LLC v. United States*, Case No. 04-4398 (N.D. Cal.), Dkt. Nos. 9, 12; *Olympus Strategic Investment Fund, LLC v. United States*, Case No. 04-4399 (N.D. Cal.), Dkt. Nos. 9, 13; *Sill Strategic Investment Fund, LLC v. United States*, Case No. 04-4964 (N.D. Cal.), Dkt. Nos. 10, 13.

24           5.       This Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to  
25   Compel 30(b)(6) Deposition. Dkt. No. 48.

26 6. This Court granted Respondent's motion to stay these related cases on November 7,  
27 2005, due to parallel criminal proceedings. Dkt. No. 95. This Court granted a subsequent motion to

1 stay these related cases on October 2, 2006. Dkt. No. 103. This Court lifted the stay on June 9,  
2 2011. Dkt. No. 124.

3 7. This Court previously granted a stipulated request to enlarge time for briefing in  
4 response to Respondent's Motion for Summary Judgment in *Princeton Strategic Investment Fund,*  
5 *LLC v. United States*, Case No. 04-4310 (N.D. Cal.). *Princeton*, Dkt. No. 37.

7 8. The Court previously granted three other stipulated requests to extend deadlines.  
8 Dkt. Nos. 130, 133, and 140.

9 9. After Judge Ware retired and Judge Seeborg held a scheduling conference with the  
10 parties, the Court entered a Case Management Scheduling Order modifying the remaining schedule  
11 in the case. Dkt. No. 160.

13 10. This Court previously granted a stipulated request to enlarge time for briefing in  
14 response to Intervenor's Motion to Dismiss or, in the alternative, Motion for Summary Judgment in  
15 *Twenty-Two Strategic Investment Funds v. United States*, Case No. 05-02835-RS (N.D. Cal.).

17 **Effect on the Schedule for the Case**

18 11. The requested change would move the final date for hearing all pretrial motions by  
19 approximately 60 days, move the trial date to October 7, 2013, and vacate the final pretrial  
20 conference date, which will be set by further order of the Court.

22 **NOW, THEREFORE, IT IS AGREED AND STIPULATED** by the parties, subject to an  
23 order of the Court that:

25 (A) All pretrial motions must be filed and served pursuant to Civil Local Rule 7. All pretrial  
26 motions shall be heard no later than April 25, 2013.

(B) The final pretrial conference currently set for April 4, 2013, is vacated, and a final September 26, 2013 at 10:00 a.m. pretrial conference will be held on at a date and at a time to be set by further order of the Court;

(C) Trial shall commence on **October 7, 2013**, at 9:00 a.m., in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

Dated: January 4, 2013

Respectfully submitted

/s/ Margaret Tough

MARGARET TOUGH

Latham & Watkins

Attorney for Petitioners

/s/ Adair F. Boroughs

ADAIR F. BOROUGHS

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Tax Division, Department of Justice

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/s/ William E. Taggart, Jr.

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Adkison, McNair, and Salmon Ventures

/s/ Martin A. Schainbaum

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Attorney for Intervenors

Soward/Voltaire and Gonzales/Birch

/s/ Jessica C. Munk

Jessica C. Munk

Law Office of David W. Wiechert

Attorney for Intervenors Clarence Ventures, LLC and J. Paul Reddam

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 1/4/13



Richard Seeborg

United States District Judge